

**PLAINTIFFS' LIST OF EXHIBITS**

**CASE CAPTION:** *Flickinger vs. Trade Fixtures*

**CASE NUMBER:** *1:12-CV-00713*

**EASTERN DISTRICT OF NEW YORK**

**JUDGE:** Honorable Jack B. Weinstein

May 17, 2013

<b>PTF</b>	<b>DF</b>	<b>Description of Object or Item</b>	<b>Bates No.</b>	<b>Identified in Court</b>	<b>Ruling</b>	<b>Witness</b>
		<i>Any and all medical records regarding Dr. Mary Elizabeth Jordan-Flickinger, including, but not limited to the following:</i>				
1.		Abington Surgical Center 05.12.10-04.10.13	455-476			
2.		Advanced Imaging Associates 01.29.04-02.03.10	36-39			
3.		Body Dynamic 11.16.10-01.03.11	5500-5507			
4.		Joseph Cronkey, M.D. 05.12.09-07.18.11	1-3			
5.		CVS Pharmacy 11.03.08-04.24.13	A33-35.26			
5.1		CVS Pharmacy 10.22.05-07.01.10	4932-4938			

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6.		Francis Hamm, M.D. 08.23.90-08.02.05	792-965			
7.		Seth Jones, M.D. 04.06.05-12.02.09	186-191			
8.		Jerome Jordan, M.D. 08.30.81-11.21.08	554-605			
9.		Matthew Kline, M.D. 02.08.10-11.05.12	446-454			
10.		Mackarey & Mackarey P.T. 08.08.07-06.25.10	4-32			
11.		Edwin Malloy, M.D. Records 02.17.04-03.27.07 (order 08.10.07)	7493-7494			
12.		James Scanlon "Dr. Malloy" File	7558-7569			

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13.		Northeastern Rehabilitation Associates 02.08.13	10124-10132			
14.		Lisa Robertson, D.O. 02.27.09-06.18.10	76-86			
15.		Vincent Ross, M.D. 09.09.75-08.11.89	175-185			
16.		Rotella Chiropractic 10.16.09-02.19.10	169-174			
17.		Salvatore Scialla, M.D. 12.13.04	379			
18.		Valley Gyn Specialists (Barbara Plucknett, M.D.) 11.07.07	391-394			
		<i>Any and all radiology studies regarding Dr. Mary Elizabeth Jordan-Flickinger, including, but not limited to the following:</i>				

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19.		CD Advanced Imaging Specialists 05.11.09	54			
20.		Advanced Imaging Specialists Films 05.11.09	414.1-414.8			
21.		Advanced Imaging Specialists Films 02.03.10	413.1-413.12			
22.		Matthew Kline, M.D. Imaging Studies	415-422; 8919-8920			
23.		Edwin Malloy, M.D. X-rays on CD 2007	7507			
24.		Edwin Malloy, M.D. X-ray Film of Right Shoulder 02.17.04	7653			

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25.		Printed X-ray Right Shoulder Edwin Malloy, M.D. 02.17.04	7656			
26.		Printed X-ray Left Shoulder Edwin Malloy, M.D. 03.27.07	7657			
27.		Printed X-ray Left Shoulder (w/"clip") Edwin Malloy, M.D. 03.27.07	7658			
28.		Printed X-ray Cervical Spine (front view) Edwin Malloy, M.D. 03.27.07	7659			
29.		Printed X-ray Cervical Spine (side view) Edwin Malloy, M.D. 03.27.07	7660			

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30.		James Scanlon "Dr. Malloy" CD w/X-rays 2004 and 2007	7574			
		<i>Any and all Deposition Transcripts, Exhibits &amp; Videos including, but not limited to the following:</i>				
31.		Robert Anders Deposition Transcript and Exhibit 04.11.13	9461-9612			
		Exhibit I Robert Anders Report 08.02.12				

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32.		Walter Baumgarten Deposition Transcript, Exhibits & Video <b>04.07.11</b>				

Exhibit 1 (Purchase Orders)  
Exhibit 2 (Motion)  
Exhibit 3 (Rebuttal to Plaintiffs' Brief)  
Exhibit 4 (Letter 12.21.10)  
Exhibit 5 (Printout T.F. Website-Thousands of Designs)  
Exhibit 6 (Printout T.F. Website-Display)  
Exhibit 7 (Printout T.F. Website-Custom Millwork)

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33.		Walter Baumgarten Deposition Transcript, Exhibits & Video 04.25.12				
		Exhibit 1 Deposition Notice and Attachments	10297-10304			
		Exhibit 2 Walter Baumgarten Affidavit 03.20.12	10305-10308			
		Deposition Errata Sheet	9342-9343			
		DVD of "Attorneys in Videoconference Room" during Walter Baumgarten Deposition	9346			

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34.		Jerry Birnbach Deposition Transcript and Exhibits 04.12.13				
		Exhibit J Jerry Birnbach Report 08.18.12				
		Exhibit K M&M Mars Design Drawing of Display	6031			
		Exhibit L M&M Mars Design Drawing of Display	6028			
		Exhibit M M&M Mars Design Drawing of Display	6029			
		Exhibit N M&M Mars Design Drawing of Display	6030			
		Exhibit O Photo of Bin Notches	10309			

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35.		Robert Bullers Deposition Transcript & Video 04.07.11				

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36.		Joseph Carroll Deposition Transcript, Exhibits & Video 10.19.10  Exhibit 1 - 04.29.10 Letter RE \$40K Annually Exhibit 2 - 09.28.10 Letter KCQ to Carroll  Exhibit 3 - 1999-2009 Collected Gross Receipts  Exhibit 4 - 2007-2009 Beth Receipts  Exhibit 5 - 2007-2009 Brad Receipts  Exhibit 6 - Work Schedules  Exhibit 7 - 2008-2009 Collected Gross Receipts	423 7349- 7350 4312- 4314; 4339 4316- 4319 4320- 4323 4324- 4329 4330			

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37.		Eileen Cummings Deposition Transcript and Exhibits 07.24.12				

Exhibit 1 M&M Mars Purchase Order 6032  
Exhibit 2 M&M Mars Display Drawings 7402-6028-  
Exhibit 3 M&M Mars Sales Order 6031  
M&M Mars Invoice 9295  
M&M Mars Invoice 9296  
M&M Mars Check 9297  
M&M Mars Check 9298

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38.		Dr. Mary Elizabeth Jordan-Flickinger, Deposition Transcript, Exhibits & Video <b>08.19.10</b>				
		Exhibit 1 - Candy Land Photo Exhibit 2 - General Liability Photo Exhibit 3 - Guest Incident Report Exhibit 4 - 10.27.08 Letter from TRU Exhibit 5 - Dr. Robertson Records	970 439 377- 378 7341 76-77			
39.		Dr. Mary Elizabeth Jordan-Flickinger, Deposition Transcript, Exhibits & Video <b>10.05.10</b>				
		Exhibit 1 - Trade Fixtures Installation Instructions	495- 496			

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40.		Dr. Mary Elizabeth Jordan-Flickinger Deposition 01.14.13				
41.		Dr. Mary Elizabeth Jordan-Flickinger Deposition & Exhibit 01.15.13				
		Exhibit A M&M Colorworks Display	1535			
		Dr. Beth Flickinger Errata Sheet	10134			
42.		Dr. James Bradley Flickinger Deposition Transcript& Video 10.05.10				
43.		Dr. James Bradley Flickinger Deposition Transcript 01.15.13				
		Dr. Brad Flickinger Errata Sheet	10133			

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44.		Scott Johnson Deposition Transcript & Exhibits 02.20.13  Exhibit 1 M&M Mars Display Diagrams  Exhibit 2 M&M Mars Invoices, et al.  Exhibit 3 M&M Mars Purchase Order  Exhibit 4 TR Install Instructions  Exhibit 5 TR Install Instructions  Exhibit 6 Bin Photo w/Writing  Exhibit 7 M&M Colorworks Display Photograph  Exhibit 8A Bin w/M&M's Photograph w/Writing	6028- 6031 9295- 9298 6032, 7402 495- 496 495.1- 496.1 9290.1			

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		Exhibit 8B Bin w/M&M's Photograph	9612			
		Exhibit 8C Bin Showing Notch Photograph	9608			
		Exhibit 9 Where Locking Mechanism Should Be Photograph	9293			
		Exhibit 10 General Liability Photographs	439			
45.		Dr. Jerome Jordan Deposition Transcript & Video 09.10.10				
46.		Marlene Jordan Deposition Transcript & Video 09.10.10				

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47.		Rose Keenan Deposition Transcript & Exhibits 07.26.12  Exhibit 1 M&M Mars Purchase Order  Exhibit 2 M&M Mars Display Diagram  Exhibit 3 M&M Mars Sales Order, et al.  Exhibit 4 TF Install Instructions	6032, 7402 6028- 6031 9295- 9298 495- 496; 495.1- 496.1			

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48.		Matthew Kline, M.D. Deposition Transcript & Exhibits 05.09.13				
		Exhibit A Intake Form	451.2-451.4			
		Exhibit B 02.08.10 Treatment Notes	446-449			
		Exhibit C Advanced Imaging MRI Report	451.16-451.17			
		Exhibit D 02.24.10 Abington Surgical Center Report	A455-K455			
		Exhibit E Post Injection Evaluation	451.27-454			

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		Exhibit F 04.01.10 Matthew Kline, M.D. Note	450			
		Exhibit G 04.24.10 Report of Matthew Kline, M.D.	433-436			
		Exhibit H 11.26.10 Report of Matthew Kline, M.D.	5337-5339			
		Exhibit I 02.28.11 Report of Matthew Kline, M.D.	6202-6203			
		Exhibit J 05.26.11 Report of Matthew Kline, M.D.	7525-7528			
		Exhibit K 07.26.11 Report of Matthew Kline, M.D.	7979-7981			

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		Exhibit L 10.30.12 Report of Matthew Kline, M.D.	9643- 9644			
		Exhibit M 02.15.13 Report of Douglas Cohen, M.D.	10115- 10116			
		Exhibit N 01.14.13 Report of Douglas Cohen, M.D.	10109- 10114			
		Exhibit O 01.30.13 Report of Michael Carciente, M.D.	9859- 9863			
		Exhibit P 03.01.11 Report of Lisa Robertson, D.O.	6227			
		Exhibit Q 01.25.13 Report of Lewis Rothman, M.D.	9865- 9866			

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		Exhibit R 02.01.13 Report of Robert Bove, Ph.D.	9827- 9840			
		Exhibit S A Study of the Mechanics of Spinal Injuries	10328- 10341			
49.		Deposition Transcript Exhibits and Video of Edwin Malloy, M.D. 07.05.11				
		Exhibit 1 - Curriculum Vitae of Edwin Malloy, M.D.	7651- 7652			
		Exhibit 2 - Printed X-ray Right Shoulder 02.17.04	7656			

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50.		Richard McCool Deposition Transcript & Exhibits 02.20.13  Exhibit 1 M&M Mars Display Diagrams  Exhibit 2 M&M Mars Invoices, et al.  Exhibit 3 M&M Mars Purchase Order  Exhibit 4 TF Install Instructions  Exhibit 5 TF Install Instructions  Exhibit 6 Bin Photo w/Writing  Exhibit 7 M&M Colorworks Display Photograph  Exhibit 8A Bin w/M&M's Photograph w/Writing	6028- 6031 9295-  9298 6032, 7402  495- 496 495.1-  496.1 9290.1			

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		Exhibit 8B Bin w/M&M's Photograph Exhibit 8C Bin Showing Notch Photograph Exhibit 9 Where Locking Mechanism Should Be Photograph Exhibit 10 General Liability Photographs	9612 9608 9293 439			

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51.		Vicki Sandberg Deposition Transcript & Exhibits 04.24.12  Exhibit I Notice of Deposition  M&M Colorworks Photo TF Install Instructions TF Install Instructions Red Box Base Plate Photo M&M Mars Display Diagram M&M Mars Purchase Order  V	10274- 10280 1535 495- 496 495.1- 496.1 6361 6028- 6031 6032, 7402			

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		Vicki Sandberg Deposition Errata Sheet	9344-9345			

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52.		Robert Sugarman, Ph.D. Deposition and Exhibits 04.11.13 Exhibit A Robert Sugarman, Ph.D. Report 08.17.12  Exhibit B Robert Sugarman, Ph.D. C.V.  Exhibit C Robert Sugarman, Ph.D. Trials and Depositions 02.2009-02.2013  Exhibit D General Liability Photograph Form  Exhibit E Michael Pepe, P.E. Report 12.13.10 Michael Pepe, P.E. Report 12.17.10  Exhibit F M&M Colorworks Photo	9637- 9642  9376  10281- 10282  439  5484- 5498 5499  1535			

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		Exhibit C Trade Fixtures Install Instructions	495-496			
		Exhibit H Neal Gowney, P.E. Report 10.26.08	5557-5569			

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53.		Andrew Verzilli, M.B.A. Deposition Transcript and Exhibits 04.22.13				
		Exhibit 1 Andrew Verzilli, M.B.A Report 01.31.13	9815-9826			
		Exhibit 2 Summary of Earnings Chart	8567			
		Exhibit 3 Lawrence Spizman, Ph.D. Report 08.01.11	8341-8354			
		Exhibit 4 2% Wage Increase Chart	10310			
		<i>Any and all Plaintiffs' expert documentation, reports and/or curriculum vitae (CV) including, but not limited to, the following:</i>				
54.		Curriculum Vitae of Robert Anders, IDSA	9385			

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53.1		Project Highlights of Robert Anders, IDSA	9386-9391			
53.2		Report of Robert Anders, IDSA 08.02.12	9461-9612			
53.3		Rule 26 Disclosures of Robert Anders, IDSA	9517-9519			
55.		Curriculum Vitae of Jerry Birnbach, F.I.S.P.	9372-9375			
54.1		Written Project Highlights of Jerry Birnbach, F.I.S.P.	9392-9395			
54.2		Pictorial Project Highlights of Jerry Birnbach, F.I.S.P.	9396-9414			
54.3		Report of Jerry Birnbach, F.I.S.P. 08.18.12	9613-9636			

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54.4		Rule 26 Disclosures of Jerry Birnback, F.I.S.P.	10283-10284			
56.		Curriculum Vitae of Matthew Kline, M.D.	7453-7463			
55.1		Report of Matthew Kline, M.D. 04.24.10	433-436			
55.2		Report of Matthew Kline, M.D. 11.26.10	5337-5339			
55.3		Report of Matthew Kline, M.D. 02.28.11	6202-6203			
55.4		Report of Matthew Kline, M.D. 05.26.11	7525-7528			
55.5		Report of Matthew Kline, M.D. 07.26.11	7979-7981			

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55.6		Report of Matthew Klime, M.D. 10.30.12	9643- 9644			
55.7		Anatomy of Cervical Spine Pain	6425.1			
55.8		Axial Segmental Anatomy Illustration	6425.6			
55.9		Referred Facial Pain From Cervical Spine Pathology Illustration	6426.2			
55.10		AA Joint Capsular Blood Illustration	6431.4			
55.11		C3 DRG Hematoma Illustrations	6433.4			
55.12		C3 DRG Hematoma Illustrations	6433.5			
55.13		C4 DRG Hematoma Illustration	6433.6			
55.14		AO Joint Injection Illustration	6439.4			

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55.15		Cervical Spine Illustration	6439.6			
55.16		Frontal Segmental Anatomy Illustration	7501			
55.17		Normal Facet Joints Sagital Section Illustration	7502			
55.18		AA Joint and C2 DRG Illustration	7503			
55.19		Cervical Spine Extended Illustration	7504			
55.20		Atlantoaxial Joint Illustration	7505			
55.21		Cervical Dorsal Root Ganglion Illustration	7506			
55.22		Interventional Pain Management Textbook (2 <sup>nd</sup> Edition)	Text-book			
55.23		Pain Management Vol. 1	Text-book			

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55.24		Pain Management Vol. 2		Text-book		
57.		Curriculum Vitae of Paul Mackarey, P.T.	5471-5483			
56.1		Report of Paul Mackarey, P.T. 11.20.10	5427-5429			
56.2		Paul Mackarey, P.T. Rule 26 Disclosures	8451			
58.		Curriculum Vitae of Edwin Malloy, M.D.	7651-7652			
59.		Curriculum Vitae of Robert Sugarman, P.E.	9376-9384			
58.1		Report of Robert Sugarman, P.E. 08.17.12	9637-9642			

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58.2		Rule 26 Disclosures of Robert Sugarman, P.E.	10281-10282			
58.3		MIL-STD-1629A 11.24.80 Procedures for Performing a Failure Mode, Effects and Criticality Analysis (Robert Sugarman, P.E.)	10364-10417			
58.4		ANSI Z535.4-1998 Product Safety Signs and Labels (Robert Sugarman, P.E.)	10418-10445			
58.5		The Handbook of Warnings, edited by Michael Wogalter (2006) (Robert Sugarman, P.E.)				
60.		Curriculum Vitae of Andrew Verzilli, M.B.A.	5203-5206			

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59.1		Report of Andrew Verzilli, M.B.A. 11.22.10	5340- 5348			
59.2		Andrew Verzilli, M.B.A. Table 1 Reduction in Earning Capacity Age 67 11.22.10	5346			
59.3		Andrew Verzilli, M.B.A. Table 2 Reduction in Earning Capacity Age 70 11.22.10	5347			
59.4		Andrew Verzilli, M.B.A. Table 3 Household Services 11.22.10	5348			
59.5		Report of Andrew Verzilli, M.B.A. 02.28.11	6215- 6223			

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59.6		Andrew Verzilli, M.B.A. Table 1 Reduction in Earning Capacity Age 67 02.28.11	6218			
59.7		Andrew Verzilli, M.B.A. Table 2 Reduction in Earning Capacity Age 70 02.28.11	6219			
59.8		Andrew Verzilli, M.B.A. Table 3 Household Services 02.28.11	6220			
59.9		Appendix: Documents Reviewed 02.28.11	6221-6223			
59.10		Report of Andrew Verzilli, M.B.A. 04.25.11	7068-7071			

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59.11		Report of Andrew Verzilli, M.B.A. Regarding Drs. Boland and Shovlin Reports 04.27.11	7274			
59.12		Report of Andrew Verzilli, M.B.A. 06.23.11	7575-7584			
59.13		Table 1 - Reduction in Future Earning Capacity Inflation and Productivity 4.4% 06.23.11	7578			
59.14		Table 2 - Reduction in Future Earning Capacity Annual Loss w/4% Statutory Increase 06.23.11	7579			

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59.15		Table 3 - Reduction in Future Earning Capacity Total Disability 06.23.11	7580			
59.16		Table 4 - Reduction in Future Earning Capacity Annual Loss w/4% Statutory Increase Total Disability 06.23.11	7581			
59.17		Table 5 - Loss in Household Services 3.3% 06.23.11	7582			
59.18		Table 6 - Loss In Services 4% 06.23.11	7583			
59.19		Appendix Table - Present Value Rule 50-B 06.23.11	7584			

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59.20		Report of Andrew Verzilli, M.B.A. 07.26.11	7984- 7985			
59.21		Report of Andrew Verzilli, M.B.A. 01.31.13	9815- 9826			
59.22		Andrew Verzilli, M.B.A. Addendum	10310			
59.23		Andrew Verzilli, M.B.A. Rule 26 Disclosures	10285- 10296			
59.24		Fall, 2007 Occupational Outlook Quarterly (Andrew Verzilli, M.B.A.)	7111- 7113			
59.25		Bureau of Labor Statistics (Andrew Verzilli, M.B.A.)	7114- 7122			
59.26		The Dollar Value of a Day (Andrew Verzilli, M.B.A.)	7128- 7132			

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59.27		The Metlife Market Survey of Adult Day Services and Home Care Costs (Andrew Verzilli, M.B.A.)	7123-7127			
59.28		Life Tables Published by Social Security Administration 2005 (Andrew Verzilli, M.B.A.)	7133-7269			
59.29		Labor Force Projections to 2018: Older Workers Staying More Active (Andrew Verzilli, M.B.A.)	7999-8020			
59.30		Table 1A Pre Injury Full Time 2018 Increase 4.4% (Andrew Verzilli, M.B.A.)	9141			
59.31		Table 3A Pre Injury Full Time 2018 Total Disability (Andrew Verzilli, M.B.A.)	9142			

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		<i>Any and all Defense expert documentation, reports and/or curriculum vitae (CV) including, but not limited to, the following:</i>				
61.		Affidavit of Walter Baumgarten 03.20.12	9283- 9286			
60.1		Affidavit of Walter Baumgarten 02.15.13	10104- 10106			
60.2		Revised Affidavit of Walter Baumgarten 04.30.12	9338- 9341			
60.3		Declaration of Walter Baumgarten	9350- 9351			
62.		Curriculum Vitae/Disclosures of Robert Bove, Ph.D.	9842- 9845			

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61.1		Report of Robert Bove, Ph.D. 02.01.13	9827- 9840			
61.2		Fee Schedule of Robert Bove, Ph.D.	9841			
61.3		Analysis & Measurement of Neck Loads article Robert Bove, Ph.D. Bibliography	10311- 10318			
61.4		The Mechanics of Prolapsed Intervertebral Disc article Robert Bove, Ph.D. Bibliography	10319- 10323			
61.5		Acute Traumatic Intraosseous Disc Herniation article Robert Bove, Ph.D. Bibliography	10324- 10327			
61.6		A Study of the Mechanics of Spinal Injuries article Robert Bove, Ph.D. Bibliography	10328- 10341			

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61.7		Abnormal Magnetic-Resonance Scans of the Cervical Spine in Asymptomatic Subjects article Robert Bove, Ph.D. Bibliography	10342- 10348			
61.8		No Stress - No Whiplash? article Robert Bove, Ph.D. Bibliography	10349- 10355			
61.9		MRI of Cervical Intervertebral Discs in Asymptomatic Subjects article Robert Bove, Ph.D. Bibliography	10356- 10361			
61.10		Falling Objects: Is There Really a Potential for Head Injury? article Robert Bove, Ph.D. Bibliography	10362- 10363			
61.11		Accidental Injury: Biomechanics and Prevention Robert Bove, Ph.D. Bibliography	Text- book			

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63.		Affidavit of Bob Bullers 02.15.13	10107- 10108			
64.		Curriculum Vitae/Disclosures of Michael Carciente, M.D.	9864			
63.1		Report of Michael Carciente, M.D. 01.30.13	9859- 9863			
65.		Curriculum Vitae of Douglas Cohen, M.D.	9884- 9889			
64.1		Report of Douglas Cohen, M.D. 01.14.13	10109- 10114			
64.2		Report of Douglas Cohen, M.D. 02.15.13	10115- 10116			
64.3		Legal Fees of Douglas Cohen, M.D.	10123			

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66.		Curriculum Vitae of Steve Pietropaolo, P.E.	9948- 9956			
65.1		Report of Steve Pietropaolo, P.E. 02.01.13	9891- 9906			
65.2		Photographs from Steve Pietropaolo, P.E.	9907- 9910			
65.3		Calculations from Steve Pietropaolo, P.E.	9911- 9917			
65.4		NSF/ANSI Standard 18 from Steve Pietropaolo, P.E.	9918- 9947			
65.5		Steve Pietropaolo, P.E. Fee Schedule	9957			
65.6		Steve Pietropaolo, P.E. Disclosures	9958			

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67.		Curriculum Vitae of Lewis Rothman, M.D.	9870-9878			
66.1		Report of Lewis Rothman, M.D. 01.25.13	9865-9866			
66.2		Disclosures of Lewis Rothman, M.D.	9867-9869			
68.		Declaration of Vicki Sandberg	9347-9349			
69.		Curriculum Vitae of Lawrence Spizman	9850-9858			
68.1		Report of Lawrence Spizman 08.01.11	8341-8354			
68.2		Disclosures of Lawrence Spizman	9846-9849			

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		<i>Any and all pleadings including, but not limited to, the following:</i>				
70.		Pleadings No. 1:12-CV-00713				
71.		Civil Cover Sheet				
72.		Notice of Removal w/Exhibits Including Complaint	10138-			
			10137			
73.		Trade Fixtures Answer to Complaint	10191-			
			10218			
		<i>Any and all Discovery and/or documents exchanged during course of litigation, including but not limited to the following:</i>				
74.		Plaintiffs Rule 26 Disclosures	10232-			
			10250			

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75.		Plaintiffs' Answers to Trade Fixtures First Set of Interrogatories	10219- 10231			
76.		Trade Fixtures Amended Rule 26 Initial Disclosures	9879- 9883			
77.		Trade Fixtures Answers to Plaintiffs' Interrogatories	10251- 10264			
78.		Trade Fixtures Responses to Plaintiffs' Request for Production of Documents	10265- 10273			
79.		All Written Discovery Exchanged Between Parties During Course of Litigation				
		<i>Any and all documents from any source related to Toys R Us/Trade Fixtures including, but not limited to, the following:</i>				

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80.		Guest Incident Report (typed version) 10.26.08	377-378			
81.		Guest Incident Report (redacted typed version) 10.26.08	377.1-378.1			
82.		Guest Incident Statement (Beth Flickinger) 10.26.08	437			
83.		Guest Incident Statement (Jane Doe) 10.26.08	438			
84.		M&M Mars Display Diagram/Dimensions and Purchase Order for Subject Display	6028-6032			
85.		Mars Sales Order for Display	9295			
86.		Mars Invoice for Display	9296-9297			

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87.		Mars Check for Display	9298			
88.		Trade Fixtures Insurance Policy	9959-			
		<i>Various Photographs/ Videos including but not limited to, the following:</i>				
89.		Photos of Bin Locking Mechanism	9287-9289			
90.		Photos of Bin w/o Locking Mechanism	9290-9292			
91.		Photos of Bin where Locking Mechanism Should be	9293-9294			
92.		Photos of Warning Label	9415-9418			

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93.		Photos of Dr. Beth Flickinger's Rhizotomy Residuals 11.16.12	9645-9647			
94.		Photo of Dr. Beth Flickinger During Rhizotomy Procedure	9155			
95.		Photo of the Flickinger Family (at Toys R Us on ride) 10.26.08	40			
96.		Photo of Brad and James on Ride at Toys R Us 10.26.08	7385			
97.		Photo of Beth and D.J. Flickinger on Ride at Toys R Us 10.26.08	7386			

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98.		Photos of Beth's Left Thigh/Hip Bruise 10.27.08	7387- 7388			
99.		Photo of "Candy Land" (extracted from Internet) (as it existed 10.26.08)	970			
100.		Photos of "Candy Land" (from Suzanne Sallata) (as it existed 10.26.08)	1532- 1555			
101.		Blow Up of Display (Red Box)	6361			
102.		Toys R Us General Liability Photograph Form 10.26.08	439			
103.		Toys R Us General Liability Photograph Enlarged 10.26.08	439A			

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104.		Video of Subject Toys R Us Display (as it existed 10.26.08)	971			
105.		Video of Dr. Mary Elizabeth Jordan-Flickinger Performing Patient Eye Examinations 01.18.11	5737			
106.		DVD of Dr. Beth Flickinger Undergoing Rhizotomy Procedure 02.23.11	6174			
		<i>Any and all financial and employment records regarding Dr. Mary Elizabeth Jordan-Flickinger, Dr. James Bradley Flickinger and Dr. Michael Boland, including, but not limited to the following:</i>				
107.		Flickingers' John Hancock Action Plan Update: 2007 Regarding Retirement Plan	4914-4915			

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108.		Flickingers' Income Tax Returns 2000	668- 679			
109.		Flickingers' Income Tax Returns 2001	680- 693			
110.		Flickingers' Income Tax Returns 2002	694- 706			
111.		Flickingers' Income Tax Returns 2003	707- 717			
112.		Flickingers' Income Tax Returns 2004	718- 732			
113.		Flickingers' Income Tax Returns 2005	733- 745			

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114.		Flickingers' Income Tax Returns 2006	746-756			
115.		Flickingers' Income Tax Returns 2007	124-136			
116.		Flickingers' Income Tax Returns 2008	109-123			
117.		Flickingers' Income Tax Returns 2009	757-768			
118.		Flickingers' Income Tax Returns 2010	10446-10462			
119.		Flickingers' Income Tax Returns 2011	10463-10477			

PLAINTIFFS' LIST OF EXHIBITSCASE CAPTION: Flickinger vs. Trade FixturesCASE NUMBER: 1:12-CV-00713EASTERN DISTRICT OF NEW YORKJUDGE: Honorable Jack B. Weinstein

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<i>PTF</i>	<i>DF</i>	<i>Description of Object or Item</i>	<i>Bates No.</i>	<i>Identified in Court</i>	<i>Ruling</i>	<i>Witness</i>
120.		Flickinger's Income Tax Returns 2012	10478 10494			
121.		W-2 Michael Boland, D.O. 2010 (from Defense Subpoena)	5792			
122.		1099 Michael Boland, D.O. 2010 (from Defense Subpoena)	5793			
123.		W-2 Brad Flickinger, D.O. 2010 (from Defense Subpoena)	5794			

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124.		1099 Brad Flickinger, D.O. 2010 (from Defense Subpoena)	5795			
125.		W-2 Beth Flickinger, D.O. 2010 (from Defense Subpoena)	5796			
126.		1099 Beth Flickinger, D.O. (from Defense Subpoena)	5797			
127.		Gross Receipts Michael Boland, D.O, Bradley Flickinger, D.O. and Beth Flickinger, D.O. 2010 (from Defense Subpoena)	5798			

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128.		2010 Gross Receipts Michael Boland, D.O., Bradley Flickinger, D.O., Beth Flickinger, D.O. January - December	6058			
129.		2010 Work Schedule Michael Boland, D.O.	6059-6071			
130.		2011 First Quarter Hours/Appts. Michael Boland, D.O.	7302-7304			
131.		2010 Work Schedule Bradley Flickinger, D.O.	6072-6083			
132.		2011 First Quarter Hours/Appts. Bradley Flickinger, D.O.	7305-7307			
133.		2010 Work Schedule Beth Flickinger, D.O.	6084-6095			

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134.		2011 First Quarter Hours/App'ts. Beth Flickinger, D.O.	7308-7310			
135.		Northeastern Eye Institute Employment File Regarding Dr. Beth Flickinger 1998-2009	615-637			
136.		Northeastern Eye Institute Employment File Regarding Dr. Brad Flickinger 1998-2009	638-667			
137.		Financial Binder Provided by Joseph Carroll 10.19.10	4312-4897			
138.		Specific Documents From Exhibit 169 Identified During Joe Carroll Trial Testimony	Vary			

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139.		Supplemental Financial Documents Provided by Joseph Carroll 07.13.11	7763-7827			
140.		Specific Documents From Exhibit 169.1 Identified During Joe Carroll Trial Testimony	Vary			
141.		Supplemental Financial Documents Provided by Joseph Carroll 08.09.11	8576-8785			
142.		Specific Documents From Exhibit 169.2 Identified During Joe Carroll Trial Testimony	Vary			
143.		Minutes and 2005-2006 Work Schedules Provided by Joseph Carroll	4967-5198			

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144.		Northeastern Eye Institute Board of Directors Meeting Minutes 08.11.08	4967			
145.		Supplemental Financial Documents Provided by Joseph Carroll 01.11.13	9648-9811			
		<i>Any and all financial and employment records regarding Dr. Mary Elizabeth Jordan-Flickinger including, but not limited to the following:</i>				
146.		Joseph Carroll Letter regarding reduction in Dr. Beth Flickinger's pay 04.29.10	423			
147.		Affidavit of Joseph Carroll 01.03.11	5575-5576			

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148.		Northeastern Eye Institute Board of Directors Meeting Minutes 08.11.08 (Duplicate - See Exhibit 170.1)	4967			
149.		Dr. Beth Flickinger Compensation History (See Binder Provided 10.19.10 by Joe Carroll)		Vary		
150.		Dr. Beth Flickinger Work Schedules 2005-2010 (See Binder Provided 10.19.10 and Minutes Binder by Joe Carroll)		Vary		
151.		Dr. Beth Flickinger Gross Earnings 2004-2010 (See Binder Provided 10.19.10 by Joe Carroll)		Vary		

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		<i>Any and all financial and employment records regarding Dr. James Bradley Flickinger including, but not limited to the following:</i>				
152.		Dr. Brad Flickinger Compensation History (See Binder Provided 10.19.10 by Joe Carroll)	Vary			
153.		Dr. Brad Flickinger Work Schedules 2005-2010 (See Binder Provided 10.19.10 and Minutes Binder by Joe Carroll)	Vary			
154.		Dr. Brad Flickinger Gross Earnings 2004-2010 (See Binder Provided 10.19.10 by Joe Carroll)	Vary			

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		<i>Any and all financial and employment records regarding Dr. Michael Boland including, but not limited to the following:</i>				
155.		Dr. Michael Boland Compensation History (See Binder Provided 10.19.10 by Joe Carroll)		Vary		
156.		Dr. Michael Boland Work Schedules 2005-2010 (See Binder Provided 10.19.10 and Minutes Binder by Joe Carroll)		Vary		
157.		Dr. Michael Boland Gross Earnings 2004-2010 (See Binder Provided 10.19.10 by Joe Carroll)		Vary		
		<i>Various texts, sources of literature and illustrations, etc., including but not limited to the following:</i>				

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158.		Dictionary				
159.		Physicians' Desk Reference				
		2008				
160.		Physicians' Desk Reference				
		2011				
161.		Jury Verdict Interrogatories				
162.		Points for Charge	TBD			
163.		Exhibits for Cross				
164.		Anatomical Drawings and/or Models				
		<i>In-house exhibits and illustrations including but not limited to the following:</i>				

**PLAINTIFFS' LIST OF EXHIBITS****CASE CAPTION:** *Flickinger vs. Trade Fixtures***CASE NUMBER:** 1:12-CV-00713**EASTERN DISTRICT OF NEW YORK****JUDGE:** Honorable Jack B. Weinstein

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165.		Devastating Effects of Chronic Pain	7291			
166.		Rhizotomy Procedure	7292			
167.		Normal Curves of Spine	7297			
168.		Cervical Epidural Injection	7300			
169.		Pharmacy Records Before & After Injury	TBD			
170.		Diagnostic Testing & Treatment (Treatment Timeline)	7669			
171.		AAOS Standards of Professionalism	7371-7373			
172.		Impact of Injury on Work Capacity	TBD			
		<i>Additional Plaintiffs' Exhibits, including, but not limited to, the following:</i>				
173.		Exemplar Bin w/Exemplar Swing Down Arm				

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174.		Exemplar Bin Containing M&M's Candy w/Exemplar Swing Down Arm				
175.		Exemplar M&M's World Candy Bag				
176.		Curriculum Vitae of Dr. Brad Flickinger	9168-9170			
177.		Curriculum Vitae of Dr. Beth Flickinger	9178-9180			
178.		Out of Pocket Expenses	Vary			
179.		Medical Bills and Summary	Vary 9812-9814			
180.		Future Medical Expenses	TBD			

**PLAINTIFFS' LIST OF EXHIBITS**

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Plaintiffs reserve the right to utilize as Exhibits any and all documents referred to in any expert reports. Plaintiffs reserve the right to utilize exhibits during closing argument not yet in existence that are based on testimonial and/or other evidence adduced at trial. Plaintiffs reserve the right to introduce any Exhibits identified by Defendants. This Exhibit List does not include Exhibits intended to be used solely for impeachment purposes. Plaintiffs reserve the right to object to the introduction of any of the foregoing Exhibits by Defendants. Plaintiffs reserve the right to enlarge and/or technologically display any and all exhibits; to display exhibits individually or in combination; to utilize any and all exhibits submitted by any/all parties and to supplement this list prior to trial. Identification of any of the following Exhibits herein does not mean Plaintiffs' will necessarily utilize at time of Trial. Plaintiffs reserve the right to correct or amend the herein Exhibit List pursuant to any Court Ruling.

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